

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ERSTE-SPARINVEST)	
KAPITALANLAGEGESELLSCHAFT)	Electronically Filed
m.b.H., Derivatively on Behalf)	
of TELIK, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 07-CV-07881 (CM)
)	(ECF Case)
)	
MICHAEL M. WICK, et al.,)	
)	
Defendants,)	
)	
and)	
)	
TELIK, INC.,)	
)	
Nominal Defendant.)	
)	

ORDER OF VOLUNTARY DISMISSAL

The Court, having considered plaintiff's Motion to Voluntarily Dismiss this shareholder derivative action and all submissions in connection therewith, and for good cause shown,

IT IS HEREBY ORDERED:

1. This action is hereby dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a)(2) and 23.1.
2. No party shall seek reimbursement from any other party of any fees, costs, or expenses in connection with the filing, prosecution, defense, or dismissal of this action.

3. No notice of dismissal of this Action shall be disseminated in connection with this Order or the dismissal of this action.

Dated: _____, 2008
New York, New York

Colleen McMahon, U.S.D.J.